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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,383	08/19/2003	George Eckardt	RKEY-7PC	6216

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Jaekle Fleischmann & Mugel, LLP
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Buffalo, NY 14202-2292

EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2456

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/644,383	Applicant(s) ECKERDT, GEORGE	
	Examiner KEVIN BATES	Art Unit 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14,52-65 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14,52-65 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on August 19, 2010.

Claims 4 and 8 are currently amended.

Claims 15-51 and 66-68 have been cancelled.

Claims 1-14, 52-65, and 69 are pending in this application.

Response to Arguments

Applicant's arguments filed August 19, 2010 have been fully considered but they are not persuasive.

The applicant argues that the examiner's proposed combination of Wallace and Walker is improper because Walker is non-analogous art and there is no motivation to combine the teachings. More specifically, the applicant argues the references are directed towards vending products and not secured assets which can be tracked with security for withdrawals and deposits. The examiner disagrees, the operation of vending machine in terms of remotely monitoring and securing access to tangible assets, like vended products taught by the references are within the field of endeavor of the applicant's proposed invention. See MPEP §2141.01(a).

The applicant further argues that Wallace teaches away from co-locating the asset manager, control system, and web server. The examiner disagrees; Wallace only discloses the system where those elements are separated by a network. Wallace provides not indication that they cannot or should not be located within one housing. Since Wallace provides no express teaching away, as long as Walker provides the

suggestion and one of ordinary skill in the art would recognize a benefit from providing the co-housing of those elements, it would be obvious to combine the teaching to arrive at the proposed rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 52-65 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace (6564121) in view of Walker (7233912).

Regarding claims 1 and 52, Wallace teaches an asset management system for managing a plurality of tangible assets by a remote user using a web browser, comprising:

at least one security asset manager for receiving a tangible asset (Col. 7, lines 18 – 30; lines 54 – 65), comprising

an asset control system including means for receiving and releasing tangible assets (Col. 7, lines 18 – 30),

a web server coupled to the asset control system, and having an I/O unit coupled to the Internet (Col. 8, lines 4 – 8; Col. 9, lines 8 – 17),

wherein the web server stored information regarding tangible asset transactions at the asset control system and the remote user can access and control the asset management system remotely by communication via the Internet between the web browser and the web server (Col. 11, line 46 – Col. 12, line 13).

Wallace does not explicitly indicate an embodiment where the security asset manager, an asset control system, and the web server are co-located together within the same housing.

Walker teaches a smart vending machine which includes a server which functions to control both the vending of the machine, but also access control and network communication with clients and a web browser (Col. 3, lines 31 – 37; Col. 3, line 67- Col. 4, line 5; Col. 4, lines 48 - 63; Col. 8, line 59 - Col. 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Walker's teaching of a vending machine designed to implement so much smarter more intelligent features in Wallace's system to allow the dispensing machine in Wallace to handle more operations and reduce the need for additional dedicated computers in Wallace's system.

Regarding claims 2 and 53, Wallace teaches the system as set forth in claims 1 and 52 wherein the server system permits the asset management system to be accessed based on one or more criteria (Col. 7, lines 18 – 30).

Regarding claims 3 and 54, Wallace teaches the system as set forth in claims 2 and 53 wherein the server system permits the tangible assets to be removed from the

stations or replaced to the stations based on the one or more criteria (Col. 7, lines 18 – 30; lines 54 – 65).

Regarding claims 4 and 55, Wallace teaches the system as set forth in claims 2 and 53, wherein the one or more criteria are provide to the web server by the remote user via the web browser via the web browser over the Internet (Col. 11, line 46 – Col. 12, line 13).

Regarding claims 5 and 56, Wallace teaches the system as set forth in claims 2 and 53 wherein the one or more criteria comprises a user ID, a user password, and a user security access level (Col. 7, lines 18 – 30; lines 54 – 65; Col. 11, line 46 – Col. 12, line 13).

Regarding claims 6 and 57, Wallace teaches the system as set forth in claims 1 and 52 wherein the web server provides the web browser at the remote user over the Internet with the stored information regarding the transactions with the security asset manager (Col. 11, line 46 – Col. 12, line 13).

Regarding claim 7 and 58, Wallace teaches the system as set forth in claims 1 and 52 wherein the web server stores information describing the security asset manager, the information comprising at least one of an identity, a location and an installation date of the security asset manager (Col. 9, lines 8 – 16).

Regarding claims 8 and 59, Wallace teaches the system as set forth in claims 1 and 52 wherein the stored transaction information comprises at least one of a location of the security asset manager where one or more of the tangible assets were removed from or replaced to, an identity of the security asset manager where the tangible assets

were removed from or replaced to, a date or time the tangible assets were removed, an identifier for each of the removed the tangible assets, and an identity of one or more users that removed the tangible assets (Col. 11, lines 61 - 62).

Regarding claims 9 and 60, Wallace teaches the system as set forth in claims 1 and 52 wherein the web server stores alarm information describing one or more alarm conditions to be satisfied to trigger an alarm of the asset management system (Col. 10, lines 47 – 50).

Regarding claims 10 and 61, Wallace teaches the system as set forth in claims 9 and 60 wherein the web server sounds the alarm of at least one of the asset management system and a remote system upon determining that the one or more alarm conditions have been satisfied (Col 10, lines 47 – 50).

Regarding claims 11 and 62, Wallace teaches the system as set forth in claims 1 and 52 wherein the web server provides the web browser at the remote user with one or more graphical user interfaces for accepting data used by the server system to perform at least one of permitting the asset management system to be accessed, permitting the tangible assets to be removed from the security asset manager, permitting the tangible assets to be replaced to the security asset manager, setting alarm conditions, and storing information that describes the asset management system (Col. 11, line 46 – Col. 12, line 13).

Regarding claims 12 and 63, Wallace teaches the system as set forth in claims 1 and 52 further comprising a user input interface that receives user identification

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information associated with a request to access the asset management system (Col. 7, lines 18 – 30; lines 54 – 65).

Regarding claim 13 and 64, Wallace teaches the system as set forth in claims 12 and 63 wherein the user input interface further comprises an access control card reader, the requester identification information being stored on an access card that is coupled to the access control card reader (Col. 7, lines 18 – 30; lines 54 – 65).

Regarding claim 14 and 65, Wallace teaches the system as set forth in claims 13 and 64 wherein the server system converts the requestor identification information from a first format to a second format (Col. 7, lines 18 – 30; lines 54 – 65).

Regarding claim 69, Wallace teaches the method as set forth in claim 52 further comprising using a server system to provide a remote system with one or more graphical user interfaces for accepting data used by the server system to perform at least one of permitting the security asset manager to be accessed, permitting the tangible assets to be removed from the housing, permitting the tangible assets to be replaced in the housing, setting alarm conditions, and storing information that describes the security asset management system (Col. 11, lines 61 - 62).

Conclusion

This is a RCE of applicant's earlier Application. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action

in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on M-F 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KEVIN BATES/

Primary Examiner, Art Unit 2456